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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,120	05/22/2001	Masaya Matsuura	397.31.01	9566

22242 7590 03/22/2005

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EXAMINER

LU, TOM Y

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,120

Applicant(s)

MATSUURA ET AL.

Examiner

Tom Y Lu

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Request for Continued Examination filed on 2/22/2005 has been entered.
2. Upon entry of the Request for Continued Examination, the amendment filed on 1/13/2005 has been entered.
3. Claims 14-18 have been canceled.
4. Claims 1, 6 and 9 have been amended.
5. Claims 1-13 are pending.

Response to Arguments

6. Applicant's arguments filed 1/13/2005 have been fully considered but they are not persuasive.

The applicant argues the Salesin reference, which is applied in the previous office action dated 10/20/2004, teaches a still image, not a moving image. Therefore, the limitation of "imparting vibrations to each of said line drawing image pieces" is not satisfied. The applicant has amended the claim to emphasize "moving" by adding new limitation of "to produce animation of the line drawing image". While the examiner appreciates the applicant's intent to better reflect the scope of the claims, nonetheless, the examiner notes, the feature of "imparting vibrations to each of said line drawing image pieces to *produce* animation of the line drawing image" is nowhere to be found in the specification. The examiner notes the passage in the specification, page 49, lines 6-12, seems to indicate the purpose of imparting vibrations is to give users a pleasant feel and a sense of rhythm, not claimed "produce animation of the line drawing image". The examiner further notes animation is produced by movement or motion of an object

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in a series of images, for example a series of video frames, animation cannot be produced in a single image as claimed "the line drawing image". The applicant is advised to better rephrase the added limitation.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- a. With regard to Claim 1, the added limitation of "to produce animation of the line drawing image" is nowhere to be found in the specification, the passage indicated by the applicant in the Remarks does not reflect the scope of the limitation. Also see explanation in paragraph 6 above.
- b. Claims 2-5 are rejected as being dependent upon Claim 1.
- c. Claim 6 is rejected for the same reason given in Claim 1.
- d. Claims 7-8 are rejected as being dependent upon Claim 6.
- e. Claim 9 is rejected for the same reason given in Claim 1.
- f. Claims 10-13 are rejected as being dependent upon Claim 9.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Salesin et al (U.S. Patent No. 5,847,712).

See office action dated 10/20/2004. With regard to the added limitation of “to produce animation of the line drawing image”, the limitation is not supported by the specification, consequently, the examiner notes such unsupported limitation is disclosed in Salesin as well.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Nishiumi et al, U.S. Patent No. 6,679,776 B1, see summary section.

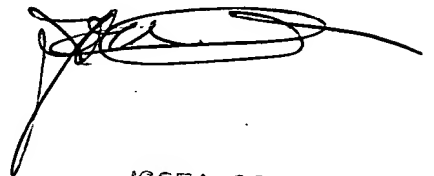
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y Lu whose telephone number is (703) 306-4057. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Y. Lu

A handwritten signature in black ink, appearing to be "Tom Y. Lu", written over a horizontal line.

JOSEF, CONN
PATENT ATTORNEY